

AN ACT

RELATING TO EDUCATION; ENACTING THE INDIAN EDUCATION ACT; PRESCRIBING POWERS AND DUTIES; CREATING A FUND; REPEALING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE.--This act may be cited as the "Indian Education Act"."

Section 2. A new section of the Public School Code is enacted to read:

"PURPOSE OF ACT.--The purpose of the Indian Education Act is to:

A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;

B. ensure maintenance of native languages;

C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;

D. ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located in tribal communities;

E. encourage cooperation among the educational leadership of Arizona, Utah, New Mexico and the Navajo Nation to address the unique issues of educating students in Navajo communities that arise due to the location of the Navajo Nation in those states;

F. provide the means for a formal government-to-government relationship between the state and New Mexico tribes and the development of relationships with the education division of the bureau of Indian affairs and other entities that serve American Indian students;

G. provide the means for a relationship between the state and urban American Indian community members to participate in initiatives and educational decisions related to urban American Indian students;

H. ensure that parents; tribal departments of education; community-based organizations; the department of education; universities; and tribal, state and local policymakers work together to find ways to improve educational opportunities for American Indian students;

I. ensure that tribes are notified of all curricula development for their approval and support;

J. encourage an agreement regarding the alignment of the bureau of Indian affairs and state assessment programs so that comparable information is provided to parents and tribes; and

K. encourage and foster parental involvement in the education of Indian students."

Section 3. A new section of the Public School Code is enacted to read:

"DEFINITION.--As used in the Indian Education Act, "tribe" means an Indian nation, tribe or pueblo located within New Mexico."

Section 4. A new section of the Public School Code is enacted to read:

"STATE BOARD--TRIBES--RULEMAKING.--The state board, in consultation with tribes, may adopt and promulgate rules to implement the provisions of the Indian

Education Act."

Section 5. A new section of the Public School Code is enacted to read:

"INDIAN EDUCATION DIVISION--CREATED--ASSISTANT SUPERINTENDENT --
DUTIES.--

A. The "Indian education division" is created within the department of education. The state superintendent shall appoint an assistant superintendent for Indian education, who shall direct the activities of the division.

B. The Indian education division shall:

(1) provide assistance to school districts and tribes to meet the educational needs of American Indian students;

(2) provide assistance to school districts and tribes in the planning, development, implementation and evaluation of curricula in native languages, culture and history designed for American Indian students;

(3) provide assistance to school districts and tribes to develop curricula and instructional materials in native languages, culture and history in conjunction and by contract with native language practitioners and tribal elders, unless the use of written language is expressly prohibited by the tribe;

(4) establish an Indian education advisory council;

(5) by January 2006, enter into agreements with each tribe or authorized tribal educational entity to share programmatic information and to coordinate technical assistance for public schools that serve American Indian students;

(6) seek funds to establish an Indian education office in the northwest corner of the state to implement agreements with each tribe or authorized tribal educational entity, monitor the progress of American Indian students and

coordinate technical assistance at the public schools that serve American Indian students;

(7) require school districts to obtain a signature of approval by the tribal governments or tribal government designees residing within school district boundaries, verifying that the tribes agree to Indian education policies and procedures pursuant to federal requirements; and

(8) seek funds to establish, develop and implement the following support services for the purposes of increasing the number of American Indian teachers and principals and providing continued professional development for educational assistants, teachers and principals serving American Indian students, in conjunction with the Indian education advisory council:

- (a) recruitment and retention;
- (b) academic transition programs;
- (c) academic financial support;
- (d) teacher preparation;
- (e) teacher induction; and
- (f) professional development;

(9) develop curricula to provide instruction in tribal history and government and develop plans to implement these subjects into history and government courses in school districts throughout the state;

(10) ensure that native language bilingual programs are part of a school district's professional development plan, as provided in Section 22-2-2 NMSA 1978; and

(11) develop a plan to establish a post-secondary investment

system for Indian students to which parents, tribes and the state may contribute."

Section 6. A new section of the Public School Code is enacted to read:

"ADVISORY COUNCIL.--

A. The "Indian education advisory council" shall consist of fourteen members as follows:

(1) four representatives from the Navajo Nation;

(2) two representatives, one from the Mescalero Apache Tribe and one from the Jicarilla Apache Nation;

(3) four representatives, two from the southern pueblos and two from the northern pueblos; and

(4) four members representing urban areas, the bureau of Indian affairs, head start organizations and the general public, at least one of whom shall be non-Indian, but all of whom shall have knowledge of and involvement in the education of Indian students.

B. On a semiannual basis, representatives from all tribes, members of the state board, the governor's office, the New Mexico office of Indian affairs, the legislature, the state superintendent and the Indian education advisory council shall meet to assist in evaluating, consolidating and coordinating all activities relating to the education of American Indian students.

C. Members of the Indian education advisory council may receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act."

Section 7. A new section of the Public School Code is enacted to read:

"REPORT.--

A. The Indian education division in collaboration with the education division of the bureau of Indian affairs and other entities that serve American Indian students shall submit an annual statewide American Indian education status report to all tribes.

B. A school district with tribal lands located within its boundaries shall provide a districtwide American Indian education status report to all tribes represented within the school district boundaries.

C. The status reports shall be written in a brief format and shall include the following information, through which public school performance is measured and reported to the tribes:

- (1) student achievement as measured by a statewide test approved by the state board, with results disaggregated by ethnicity;
- (2) school safety;
- (3) the dropout rate;
- (4) attendance;
- (5) parent and community involvement;
- (6) educational programs targeting American Indian students;
- (7) financial reports;
- (8) current status of federal Indian education policies and procedures;
- (9) school district initiatives to decrease the number of student dropouts and increase attendance;
- (10) public school use of variable school calendars; and
- (11) school district consultations with parent advisory

committees."

Section 8. A new section of the Public School Code is enacted to read:

"FUND CREATED.--

A. The "Indian education fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The fund shall be administered by the department of education, and money in the fund is appropriated to the department to distribute awards to support the Indian Education Act.

B. The department of education shall develop procedures and rules for the award of money from the fund. Disbursement of the fund shall be made by warrant of the department of finance and administration pursuant to vouchers signed by the state superintendent."

Section 9. REPEAL.--Sections 22-2-11 through 22-2-13 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 8, Sections 1 through 3) are repealed.

HAFC/HB 150